

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re the application of: Jeremy Thaler et al. ) Group Art Unit: 1761  
Filed: 11/10/2003 (10/705,657) ) Examiner: H. Pratt  
For: PEANUT BUTTER WITH AN ORGANIC )  
STABILIZER AND METHOD FOR )  
MANUFACTURE THEREOF )

AFFIDAVIT UNDER 37 CFR 1.131

Honorable Commissioner of Patents & Trademarks  
PO Box 1450  
Alexandria, VA, 22313-1450

Sir;

County of Livingston ) S.S.  
State of New York )

I, Jacob W. Rawleigh, being duly sworn, depose and state:

1. I prepared two samples of "peanut butter" in accordance with the recipe set forth in "Joy of Cooking" by Irma S. Rombauer and Marion Rombauer Becker, published by Bobbs-Merrill Co. 1988 (page 564; see Exhibit).

2. The samples were prepared with the alternative oils (safflower oil and vegetable oil) in accordance with the recipe set forth in the Exhibit (recipe quantities were doubled) and in the table below:

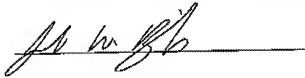
	<i>See Rombauer (Joy of Cooking) p. 564</i>	
Peanuts	2 cups	2 cups
Oil	4 TBSP safflower	4 TBSP vegetable
Mixing treatment	Blender	Blender

3. Within several days of their manufacture, the respective samples began to exhibit separation, as evidenced by a liquid layer forming on the top of the material in each jar. Inspection of the open jar for each sample revealed that if it were tipped, the liquid on the top would have flowed from the jar.

4. The jars were resealed with their lids, and I understand that the samples were then delivered to Duane C. Basch, Esq. It is my further understanding, based upon information and belief, that the samples were delivered by Mr. Basch to the U.S. Patent and Trademark Office on August 3, 2007.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8-7-07 day of August, 2007



STATE OF NEW YORK  
COUNTY OF Livingston

On this 7<sup>th</sup> day of August, 2007, before me, a Jacob Rawleigh, to me known to be the person of that name, who signed and sealed the foregoing instrument and he acknowledges the same to be his free act and deed.

  
Notary Public

MERILEE G. WALKER  
Notary Public, State of New York  
Livingston County  
Commission Expires June 4, 2010

